

Message

From: Carroll, Timothy [Carroll.Timothy@epa.gov]
Sent: 12/27/2021 8:37:56 PM
To: Julia John [julia.john@chemicalwatch.com]
CC: EPA Press Office [Press@epa.gov]
Subject: Re: Media inquiry: PEER on EPA "hiding" VOC-exempt chemical's carcinogenicity

Hey Julia, here's our response to your follow-up. Let us know if there's anything else we can help with!

While the PMN substance in question was subject to the polymer exemption, the company still submitted a PMN to the agency. Since the company did submit the PMN, EPA conducted the risk assessment and did not identify any hazards or risks associated with the PMN substance and issued a "not likely" determination.

Companies do not have to use the polymer exemption, and at times a company will choose to submit a PMN for business/other reasons (even if they qualify under the exemption). For example, some companies have conveyed to EPA that they cannot get their customer to use their product until it is on the TSCA Inventory. In order to get on the Inventory, a company must go through the PMN process and EPA will conduct a full risk assessment.

From: Julia John <julia.john@chemicalwatch.com>
Sent: Monday, December 27, 2021 1:39:42 PM
To: Carroll, Timothy <Carroll.Timothy@epa.gov>
Cc: EPA Press Office <Press@epa.gov>
Subject: RE: Media inquiry: PEER on EPA "hiding" VOC-exempt chemical's carcinogenicity

Hi Tim,

Thanks, this is helpful! So a PMN was not submitted for the polymer due to the exemption? And was PCBTF referred to the Existing Chemical Program? When you say it "is not intentionally part of the PMN substance," do you mean the solvent is simply part of the substance's manufacturing process? And does the agency have any plans to scrutinize and address PCBTF's cancer risk?

Thanks again,
Julia

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North America Reporter

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From: Carroll, Timothy <Carroll.Timothy@epa.gov>

Sent: Monday, December 27, 2021 12:00 PM

To: Julia John <julia.john@chemicalwatch.com>

Cc: EPA Press Office <Press@epa.gov>

Subject: Re: Media inquiry: PEER on EPA "hiding" VOC-exempt chemical's carcinogenicity

*** WARNING: this message is from an EXTERNAL SENDER. Please be cautious, particularly with links and attachments. ***

Hi Julia, thanks for reaching out. See below for our response, hope this helps. Let us know if you have any other questions, thanks!

EPA and the Office of Chemical Safety and Pollution Prevention are committed to the agency's mission to protect human health and the environment.

Regarding the specific PMN in question:

The PMN substance that is the question of this inquiry is a polymer contained in a paint. The PMN substance is a polymer and it qualifies for the polymer exemption.

As background, the 1985 memo, attached, describes how to address a circumstance in which an existing chemical is included as an intentional component of a PMN substance and when that existing chemical poses risk. Under the referenced policy, the solvent would be referred to the Existing Chemical Program and would not be addressed under the new chemical review because the solvent in question is not intentionally part of the PMN substance. The relevant language from the memo that describes this exemption is found on page 9, item #1. The 1985 memo, while written in the context of TSCA as it existed in 1985, contains guidance that remains useful in reviewing new chemicals under the amended law.

When Congress wrote TSCA in 1976 it exempted every chemical in commerce from having to go through the new chemicals assessment process. The 2016 amendments to TSCA direct EPA to do risk evaluations on the existing chemicals that were grandfathered in under the original law and requires EPA to have at least 20 risk evaluations in process at any given time. EPA is meeting those requirements. While one can accurately state that many of the chemicals that were grandfathered into the 1976 law may pose risks and remain unrestricted under TSCA, the PMN substance subject to this inquiry was not handled inappropriately or inconsistently with TSCA.

Regarding scientific integrity:

Restoring scientific integrity has been a top priority across the Agency since the beginning of the Biden-Harris Administration. Significant efforts are underway to understand and address concerns that have been raised. We are continuing to make improvements to the program and are cooperating fully with the ongoing IG investigation.

EPA's new chemicals program has been engaging in targeted, all-hands-on deck efforts to catalogue, prioritize and improve its procedures, recordkeeping and decision-making practices related to review and management of new chemicals under TSCA. The new chemicals program has already implemented several important changes to provide additional opportunities for resolution of differing scientific opinions, and to allow input into the decision-making by EPA subject matter experts outside of the division. This includes, for example, a revised process for review and finalization of human health risk assessments, and the formation of a new advisory body within the program to review and consider both scientific and science policy issues related to new chemical submissions.

The following are examples of additional actions OCSPP has already taken to address scientific integrity concerns across the office:

- Ongoing cooperation with Inspector General's investigation;
- Implementation of several new processes for scientists to elevate their concerns and get a review wherever there's disagreement;
- A change in the performance metric for the New Chemicals Division, such that expediency of reviews is not the only measure of success, see FY 2022-2026 [strategic plan draft](#);
- Series of scientific integrity trainings for the entire office to emphasize the importance of these policies;
- Independent contractor review of the TSCA New Chemicals program to capture feedback from employees and management about any potential workplace barriers and opportunities for organizational improvement; and
- Ongoing collaboration with EPA's Office of Research and Development on furthering scientific research relevant to new chemical reviews.

From: Julia John <julia.john@chemicalwatch.com>

Sent: Monday, December 27, 2021 8:34 AM

To: EPA Press Office <Press@epa.gov>

Subject: Media inquiry: PEER on EPA "hiding" VOC-exempt chemical's carcinogenicity

Hi there,

I hope you had a nice holiday. I'm covering these new PEER [claims](#), and I'd really appreciate getting the EPA's comment on them by 2 p.m. Eastern Time today. Here are my specific questions:

- 1) Overall, what's the agency's response to the accusations? How credible are they?
- 2) What, if any, mischaracterizations about the agency's efforts around PCBTF and its authorities do the PEER press release and complaint summary contain?
- 3) To what extent is the EPA actually promoting PCBTF?
- 4) According to the law, how is the agency supposed to deal with new chemicals including existing ones that pose risks? In PCBTF's case, how did the agency fulfill its legal duties?
- 5) How widespread and significant is this potential problem of the EPA not considering existing chemical risks within new chemical assessments? Are there any other specific examples of this?

Thanks so much,
Julia

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